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STATE OF DELAWARE  
**DEPARTMENT OF STATE**

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DIVISION OF PROFESSIONAL REGULATION

PUBLIC MEETING MINUTES:	<b>Adult Entertainment Commission</b>
MEETING DATE AND TIME:	<b>Thursday, October 28, 2010 at 2:00 p.m.</b>
PLACE:	Cannon Building, 861 Silver Lake Boulevard Conference Room A, Dover, Delaware 19904
MINUTES APPROVED:	January 27, 2011

**MEMBERS PRESENT**

James Nutter, Chairman (arrived at 2:08 p.m.)  
Maisha Britt, Public Member  
John Henry, Public Member  
Mary Kate McLaughlin, Public Member (arrived at 2:12 p.m.)

**DIVISION STAFF/DEPUTY ATTORNEY GENERAL PRESENT**

Andrew Kerber, Deputy Attorney General  
Michele Urbaniak, Administrative Specialist II  
David Mangler, Executive Director, Team A

**ALSO PRESENT**

None

**MEMBERS ABSENT**

Curtis Larrimore, Public Member

**CALL TO ORDER**

Mr. Nutter called the meeting to order at 2:13 p.m.

**REVIEW OF MINUTES FOR APPROVAL**

The Commission reviewed the minutes from the July 22, 2010 meeting. Dr. Britt made a motion to approve the minutes as presented, seconded by Mr. Henry. The motion was unanimously approved.

**UNFINISHED BUSINESS**

**AEC's Authority to Require Criminal Background Checks – Status Update from Andrew Kerber**

Mr. Kerber reported that he is working with DPR Director James Collins regarding the AEC's authority to require criminal background reports. Mr. Kerber advised that the draft language was approved by the Board at the July meeting, but does not know if the proposed legislation will be a Professional Regulation bill or a Department of Justice bill. Mr. Kerber further advised that it would be easier for both he and DPR if the proposed legislation is a DPR bill. In the event that neither DPR nor the Department of Justice can submit the bill, then Mr. Kerber will contact Senator Sokola, since he was the sponsor of the Commission's sunset amendments.

#### Notifications Mailed – Adult-Oriented Retail Establishments

Ms. Urbaniak reported that the Division had mailed letters to all Delaware legislators, as well as the list of five possible retail establishments provided by Ms. Precourt after the July meeting. Ms. Urbaniak also advised that one additional letter was mailed on 10/27/10 to a suspected retail establishment in Dover, per Kay Warren's instructions. Ms. Urbaniak reported that to date, the Division had not received any feedback from the mailings, and has no applications for retail licensing. Mr. Nutter asked Mr. Kerber to confirm that if the Division does not receive any applications, the Commission will have to rely on the complaint process to proceed. Mr. Kerber confirmed that the Commission will move forward on a complaint-driven basis. Mr. Kerber summarized for the Board the background leading up to the introduction and passing of the adult-oriented retail licensing law. Mr. Nutter believes that we are not making progress with enforcement of the new law. Mr. Nutter expressed his concern that the bill has been in effect since July 2009, and the Commission has 18 months to comply with the recommendations of the Joint Sunset Committee. Ms. Urbaniak suggested that the Division file complaints against the entities previously noted by Ms. Precourt. Mr. Kerber and the Commission members unanimously agreed with that recommendation. Mr. Mangler entered the meeting and agreed that the Division could file complaints to initiate the investigative process. Dr. Britt made motion, seconded by Mr. Henry, to approve the Commission's consideration of Ms. Precourt's list of establishments as a complaint. The motion passed unanimously. Ms. McLaughlin will investigate whether or not business licenses can provide age restriction information.

#### **NEW BUSINESS**

##### Election of Chairman

Mr. Henry nominated Mr. Nutter as Chairman. Mr. Nutter accepted Mr. Henry's nomination. All commission members seconded the motion, which was unanimously passed.

##### 2011 Meeting Schedule

Mr. Kerber read from the Commission's statute and advised that the Commission was not required to meet quarterly. Dr. Britt made a motion, seconded by Ms. McLaughlin, to approve the 2011 meeting schedule as presented. If agendas of upcoming meetings are light, then the commission may cancel a meeting, if necessary. The motion passed unanimously.

#### **OTHER BUSINESS BEFORE THE BOARD** (for discussion only)

None

#### **PUBLIC COMMENT**

There was no public comment.

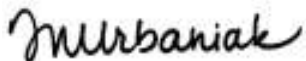
#### **NEXT SCHEDULED MEETING**

The next meeting will be held on January 27, 2011 at 2:00 p.m. in Conference Room A of the Cannon Building, 861 Silver Lake Blvd., Dover, DE, 19904.

#### **ADJOURNMENT**

Dr. Britt made a motion, seconded by Ms. McLaughlin to adjourn. The motion unanimously carried. The meeting adjourned at 2:44 p.m.

Respectfully submitted,



Michele Urbaniak  
Administrative Specialist II